

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW BECKER,

Plaintiff,

Case No. 05-60211

v.

Honorable John Corbett O'Meara

CITY OF DETROIT,

Defendant.

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ORDER OF PARTIAL DISMISSAL

Plaintiff Matthew Becker filed a two-count complaint in this court alleging violations of Title VII, 42 U.S.C. § 2000e, and Michigan's Elliot-Larsen Civil Rights Act. While alleged violations of Title VII are cognizable in this court pursuant to 28 U.S.C. § 1331, Count II presents a claim based on state law. Since the parties to this matter are not diverse, the court declines to exercise pendent jurisdiction over the latter claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Therefore, pursuant to 28 U.S.C. § 1367(c), Count II is hereby **DISMISSED**.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: December 6, 2005